



candidate did not complete any one of the three physical performance exercises in under the allotted times, that candidate failed the examination.

## CONCLUSION

Each Center Supervisor makes notes of non-routine occurrences in the testing center. In this case, the Center Supervisor notes indicate that the appellant went two rungs above the required rung with the red tape and was immediately told to proceed down to the ground. He noted that the monitors indicated that the appellant was very slow on descending the ladder, placing two feet on each rung as he came down.

Candidates are required to watch a video on this event. In the instructions to the candidates for the ladder climb, each monitor indicates that when reaching the 18 foot level, which is marked with red tape, place both feet on this rung. Reach out with either hand to hit the wall.<sup>1</sup> They were told that their score will be the time it takes them to reach the 18-foot mark with both feet, hit the wall, and descend the ladder to the ground. They were told that the time runs continuously, they could stop at any time during the ascent or descent of the ladder, however, the time does not stop when they stop. It is noted that the procedure for the ladder climb was also outlined in the conditioning manual. Thus, candidates were notified that they had to perform to standards and appellant was informed that these were timed events. The appellant was given instructions prior to his climb, and the reaching the rung with the red tape with both feet verified that the candidate reached the appropriate height on the ladder.

The appellant argues that he continued climbing after the rung with the red tape in order to reach the harness support at the top rung, which also had a red ribbon, because he was told to do so by the monitor. Instructions for the ladder climb in the conditioning manual and given at the center are clear and unambiguous. The candidate puts on a safety harness hooked to a line and ascends 18 feet to a rung with red tape, on which he has to place both feet. If the appellant thought he was to reach the red ribbon on the top of the ladder, it is unclear which rung he thought he should place both feet. Additionally, for hands, the instructions indicated that the candidate should slap the wall. The instructions mentioned the red-taped rung for feet, and the wall for hands. It did not state a red tape for hands. As such, the argument that there was miscommunication with the monitor at the start of the test which led the appellant to believe that he had to reach the top rung to touch a red tape/ribbon is unpersuasive. Instead, the appellant did not follow, or properly understand, the instructions. The appellant proceeded quickly up the ladder, and the monitors stopped him as soon as they realized he was over 18 feet. He then proceeded more slowly down the ladder, placing two feet on each

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<sup>1</sup> Rather than ring a bell.

rung. In sum, the appellant did not follow instructions and these circumstances do not warrant a retest.

A thorough review of the record indicates that the determination of the Division of Test Development and Analytics was proper and consistent with Civil Service Commission regulations, and that the appellant has not met his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 23<sup>rd</sup> DAY OF OCTOBER, 2019



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